

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

RANDALL L. SEAVER, Trustee, and
TAMARA M. HANSEL, formerly known
as Tamara M. Markey,

Plaintiffs,

v.

ORDER

Civil File No. 12-1631 (MJD/JJG)

DAVID F. FRUNDT and
FRUNDT & JOHNSON, LTD.,

Defendants.

Michael J. Iannacone, III, Iannacone Law Office, P.L.L.C., Counsel for Plaintiffs.

Corinne Ivanka and Richard J. Thomas, Burke & Thomas, PLLP, Counsel for Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of Chief United States Bankruptcy Judge Gregory F. Kishel dated June 15, 2012. No objections to the Report and Recommendation were filed within the requisite time period.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED:

1. The Court **ADOPTS** the Report and Recommendation of Chief United States Bankruptcy Judge Gregory F. Kishel dated June 15, 2012 [Docket No. 1].
2. This adversary proceeding, Adversary Proceeding No. 08-3177, is dismissed in its entirety, for Plaintiffs' failure to state a claim upon which relief may be granted as to either Defendant, and for Plaintiffs' failure to comply with the requirements of Minnesota Statute § 544.42.
3. Defendants' motion for disqualification of Michael J. Iannacone as counsel for Plaintiffs is denied as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 31, 2012

s/ Michael J. Davis

Michael J. Davis
Chief Judge
United States District Court